

By: Ellis

S.B. No. 1123

A BILL TO BE ENTITLED

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AN ACT

relating to the creation and authority of Harris County Improvement District No. 8; Authorizing contracts between the District and other Political Subdivisions; providing authority to impose taxes and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION OF DISTRICT. (a) Harris County Improvement District No. 8 is hereby created as a special district pursuant to authority granted by Section 59, Article XVI, Texas Constitution and pursuant to the general authority of the Texas Legislature to legislate for the public good.

(b) The board by resolution may change the name of the district.

SECTION 2. DEFINITIONS. In this Act:

(1) "Board" means the board of directors of the district.

(2) "District" means the Harris County Improvement District No. 8.

SECTION 3. DECLARATION OF INTENT. (a) The creation of the District is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this Act.

(b) The creation of the District is necessary to promote, develop, encourage, and maintain transportation, parking, housing,

1 recreation, the arts, safety, scenic beauty and the public welfare
2 in the area of the District and adjacent areas.

3 (c) The creation of the District and this legislation may
4 not be interpreted to relieve Harris County or the City of Houston
5 from providing the level of services provided, as of the effective
6 date of this Act, to the area in the District. The District is
7 created to supplement and not to supplant the county or city
8 services provided in the area in the District.

9 (d) By creating the District and in authorizing the City of
10 Houston, Harris County, The Metropolitan Transit Authority of
11 Harris County and other political subdivisions to contract with the
12 District, the legislature has established a program to accomplish
13 the public purposes set out in Section 52-a, Article III, Texas
14 Constitution.

15 SECTION 4. BOUNDARIES. The District includes all the
16 territory contained in the following described area:

17 METES AND BOUNDS DESCRIPTION OF 104.196 ACRES OF LAND IN THE JOHN
18 WALTERS SURVEY, ABSTRACT NUMBER 874 HOUSTON, HARRIS COUNTY, TEXAS.

19 104.196 acres (4,538,793 square feet) of land, being three
20 non-contiguous tracts, being all of Unrestricted Reserves "A", "B"
21 and "C" of Six Flags Astroworld, Replat No. 1, as recorded under
22 Film Code Number 580010 of Harris County Map Records, in the John
23 Walters Survey, Abstract Number 874, Houston, Harris County, Texas,
24 said 104.196 acres being more particularly described as follows
25 (bearings are based on the Texas State Plane Coordinate System,
26 South Central Zone (NAD 83), as derived from GPS observations based
27 on Continuously Operating Reference Station (CORS) Houston 2

1 (COH2)):

2 UNRESTRICTED RESERVE "A" 101.832 acres (4,435,829 square feet)

3 BEGINNING at a 5/8-Inch Iron rod found In the southerly

4 right-of-way line of Interstate Highway 610 (South Loop West) (350

5 feet wide) as recorded In Harris County Clerk's File Number

6 B532643, for the most northerly northwest corner of said Reserve

7 "A" and the northeast corner of the residue of a called 7.697 acre

8 tract of land described in a deed to John Jay Davis. and James

9 Donahue Davis, as recorded under Harris County Clerk's File Number

10 N205522;

11 THENCE, along the southerly right-of-way line of said Interstate

12 Highway 610, as follows:

13 North 85 degrees 43 minutes 49 seconds East, a distance of 764.67

14 feet, to a 3/4-inch iron rod with "CLR" cap found for a point of

15 curve;

16 Along the arc of a 5938.17 foot radius curve to the left, having a

17 central angle of 10 degrees 56 minutes 34 seconds, an arc length of

18 1134.11 feet, and a chord

19 which bears North 80 degrees 15 minutes 33 seconds East, a distance

20 of 1132.39 feet, to a 5/8-inch iron rod found for a point of

21 tangency;

22 North 74 degrees 47 minutes 16 seconds East, a distance of 474.85

23 feet, to a 3/4-inch iron rod with "CLR" cap found for a point of

24 curve;

25 THENCE, leaving the southerly right-of-way line of said Interstate

26 Highway 610, along the arc of a 25.00 foot radius curve to the

27 right, having a central angle of 46 degrees 50 minutes 13 seconds,

1 an arc length of 20.44 feet, and a chord which bears South 81
2 degrees 47 minutes 38 seconds East, a distance of 19..87 feet, to a
3 point for corner in the west right-of-way line of *Fannin Street*
4 (*width varies*) (*comer unable to be set*);
5 THENCE, along the westerly right-of-way line of said Fannin Street,
6 as follows:
7 South 03 degrees 37 minutes 26 seconds East, a distance of 13.64
8 feet, to a point of curve (corner unable to be set);
9 Along the arc of a 3010.00 foot radius curve to the left, having a
10 central angle of 01 degree 13 minutes 03 seconds, an arc length of
11 63.96 feet, and a chord which bears South 04 degrees 13 minutes 57
12 seconds East, a distance of 63.96 feet, to a 3/4-inch iron rod with
13 "CLR" cap found for a point of tangency;
14 South 04 degrees 50 minutes 28 seconds East, a distance of 212.17
15 feet, to a 3/4-inch iron rod with "CLR" cap found for corner;
16 South 02 degrees 28 minutes 41 seconds East, a distance of 136.62
17 feet, to a point for corner (corner unable to be set);
18 South 00 degrees 40 minutes 14 seconds East, a distance of 870.60
19 feet, to a 5/8-inch *iron rod with "Clarkson" cap found in the north*
20 *line of a called 6.289 acre tract of land* described In a deed to
21 Metropolitan Transit Authority of Harris County, Texas, as recorded
22 under Harris County Clerk's File Number V491408, for the most
23 easterly southeast corner hereof;
24 THENCE, South 68 degrees 55 minutes 46 seconds West, a distance of
25 526.60 feet, leaving *the westerly right-of-way line of said Fannin*
26 *Street, to a 5/8-inch iron rod found for the northwest corner of*
27 *said called 6.289 acre tract and for an interior corner hereof;*

1 THENCE, *South 16 degrees 48 minutes 57 seconds East, a distance of*
2 *592.88 feet, to a cut "X" in the top of a concrete wall found in the*
3 *northerly right-of-way*
4 *line of West Bellfort Avenue (width varies), for the southwest*
5 *corner of said called 6.289 acre tract and the most southerly*
6 *southeast corner hereof;*
7 THENCE, along the northerly right-of-way line of said West Bellfort
8 Avenue, as follows;
9 Along the arc of a 1094.45 foot radius non-tangent curve to the
10 right, having a central angle of 04 degrees 38 minutes 31 seconds,
11 an arc length of 88.67 feet, and a chord which bears South 84
12 degrees 25 minutes 50 seconds West, a distance of 88.65 feet, to a
13 cut "X" in the top of a concrete wall found for a point of tangency;
14 South 86 degrees 45 minutes 05 seconds West, a distance of 1296.70
15 feet, to a 3/4-inch Iron rod with "CLR" cap found for a point of
16 curve;
17 *Along the arc of a 1960.00 foot radius curve to the right, having a*
18 *central angle of 16 degrees 59 minutes 02 seconds, an arc length of*
19 *580.99 feet, and a chord which bears North 84 degrees 45 minutes 24*
20 *seconds West, a distance of 578.87 feet, to a 3/4-inch iron rod with*
21 *"CLR" cap found for a point of tangency;*
22 *North 76 degrees 15 minutes 52 seconds West, a distance of 359.92*
23 *feet, to a 3/4-inch Iron rod with "CLR" cap found for a point of*
24 *curve;*
25 Along the arc of a 2050.00 foot radius non-tangent curve to the
26 left, having a central angle of 02 degrees 20 minutes 12 seconds, an
27 arc length of 83.60 feet, and a chord which bears North 77 degrees

1 34 minutes 45 seconds West, a distance of 83.59 feet, to a 3/4-inch
2 iron rod with "CLR" cap found for a point of tangency;
3 North 40 degrees 38 minutes 02 seconds West, a distance of 31.42
4 feet, to a 3/4-inch iron rod with "CLR" cap found for the northwest
5 end of a cut-back at the northeast corner of the intersection of
6 said West Bellfort Drive and Kirby Drive (width varies) for the most
7 westerly southwest corner hereof;
8 THENCE, North 02 degrees 27 minutes 33 seconds West, a distance of
9 713.06 feet, along the easterly right-of-way line of said Kirby
10 Drive, to a 5/8-inch iron rod found for the southwest corner of the
11 aforementioned called 7.697 acre tract, and the most westerly
12 northwest corner hereof;
13 THENCE, North 86 degrees 33 minutes 51 seconds East, a distance of
14 399.78 feet, leaving the easterly right-of-way line of said Kirby
15 Drive, to a 3/4-Inch rod found for the southeast corner of said
16 called 7.697 acre tract, and an interior corner hereof;
17 THENCE, North 02 degrees 16 minutes 18 seconds West, a distance of
18 848.62 feet, to the POINT OF BEGINNING and containing a computed
19 area of 101.832 acres (4,435,829 square feet) of land in said.
20 Unrestricted Reserve "A".
21 UNRESTRICTED RESERVE "B" 1.909 acres (83,157 square feet)
22 BEGINNING at a 5/8-Inch Iron rod found in the easterly right-of-way
23 line of said Kirby Drive, for the northwest corner of Unrestricted
24 Reserve "F" in Section I of South Point Business Park, as recorded
25 in Volume 230, Page 136, Harris County Map Records, and the
26 southwest corner *hereof*;
27 THENCE, North 02 degrees 27 minutes 33 seconds West, a distance of

1 145.37 feet, along the *easterly right-of-way* line of said Kirby
2 Drive, to a point for corner in a power pole at the southwesterly
3 end of a curve return at the southeast corner of the intersection of
4 said Kirby Drive and the aforementioned West Belfort Drive;
5 THENCE, leaving the easterly right-of-way line of said Kirby Drive,
6 along the arc of a 50.00 foot radius non-tangent curve to the right,
7 having a central angle of 106 degrees 46 minutes 14 seconds, an arc
8 length of 9317 feet, and a chord which bears North 50 degrees 41
9 minutes 45 seconds East, a distance of 80.27 feet, to a 3/4-inch
10 iron rod with "CLR" cap found for a point of compound curve;
11 THENCE, along the south right-of-way line of said West Belfort
12 Avenue, as follows;
13 Along the arc of a 1950.00 foot radius curve to the right, having a
14 central angle of 00 degrees 15 minutes 30 seconds, an arc length of
15 8.79 feet, and a chord which bears South 76 degrees 23 minutes 37
16 seconds East, a distance of 8.79 feet, to a 3/4-inch iron rod with
17 "CLR" cap found for a point of tangency;
18 South 76 degrees 15 minutes 52 seconds East, a distance of 294.43
19 feet, to a 3/4-inch iron rod with "CLR" cap found for a point of
20 curve;
21 Along the arc of a 2040.00 foot radius non-tangent curve to the
22 left, having a central angle of 16 degrees 59 minutes 03 seconds, an
23 arc length of 604.71 feet, and a chord which bears South 84 degrees
24 46 minutes 12 seconds East, a distance of 602.50 feet, to a 3/4-inch
25 iron rod with "CLR" cap found for a point of tangency;
26 North 86 degrees 44 minutes 17 seconds East, a distance of 88.58
27 feet, to a 3/4-inch Iron rod with "CLR" cap found for the northwest

1 *end of a cut-back corner at the southwest corner of the intersection*
2 *of said West Bellfort Drive and Centerpoint Drive (60 feet wide);*
3 *THENCE, South 47 degrees 54 minutes 45 seconds East, a distance of*
4 *21.14 feet, leaving the south right-of-way line of said West*
5 *Bellfort Drive, to a 3/4-inch iron rod with "CLR" cap found for the*
6 *southeast end of said cut-back corner in the westerly right-of-way*
7 *line of said Centerpoint Drive, the northeast corner of*
8 *Unrestricted Reserve "B" in Section II of said South Point Business*
9 *Park, and the southeast corner hereof;*
10 *THENCE, South 86 degrees 44 minutes 26 seconds West, a distance of*
11 *1056.25 feet, leaving the westerly right-of-way line of said*
12 *Centerpoint Drive, with the north line of Section I and Section II*
13 *of said South Point Business Park, to the POINT OF BEGINNING and*
14 *containing a computed area of 1.909 acres (83,157 square feet) of*
15 *land in said Unrestricted Reserve "B".*
16 UNRESTRICTED RESERVE "C" 0.455 acres (19,807 square feet)
17 *BEGINNING at a 3/4-inch iron rod with "CLR" cap found in the*
18 *northerly right-of-way line of the aforementioned West Bellfort*
19 *Drive, for the northwest corner of the residue of a Houston Lighting*
20 *& Power Company Fee Strip, recorded in Volume 1781, Page 199, of the*
21 *Harris County Deed Records, and the northeast corner hereof;*
22 *THENCE, South 16 degrees 48 minutes 57 seconds East, a distance of*
23 *19.94 feet, to a 1-inch galvanized iron pipe found in the north line*
24 *of Unrestricted Reserve "A" in Section III of the aforementioned*
25 *South Point Business Park, and the southeast corner hereof;*
26 *THENCE, South 86 degrees 44 minutes 26 seconds West, a distance of*
27 *1313.64 feet, along the north line Section III and Section II of*

1 said South Point Business Park, to a cut "X" set in the tip of a
2 concrete culvert in the easterly right-of-way line of the
3 aforementioned Centerpoint Drive, being the southwest end of
4 a cut-back corner at the southeast corner of the Intersection of
5 said West Bellfort Drive and said Centerpoint Drive and the
6 southwest corner hereof;

7 THENCE, North 42 degrees 05 minutes 15 seconds East, a distance of
8 21.40 feet, to a 3/4-inch iron rod with "CLR" cap found in the
9 southerly right-of-way line of said West Bellfort Drive, for the
10 northeast end of said cut-back corner and the northwest corner
11 hereof;

12 THENCE, North 86 degrees 44 minutes 17 seconds East, a distance of
13 1186.52 feet, along the southerly right-of-way line of said West
14 Bellfort Drive, to a 3/4-inch iron rod with "CLR" cap found for a
15 point of curve;

16 THENCE, continuing along the southerly right-of-way fine of said
17 West Bellfort Drive, along the arc of a 1341.97 foot radius curve to
18 the left, having a central angle of 04 degrees 34 minutes 58
19 seconds, an arc length of 107.34 feet, and a chord which bears North
20 84 degrees 26 minutes 48 seconds East, a distance of 107.31_feet, to
21 the POINT OF BEGINNING and containing a computed area of 0.455 acres
22 (19,807 square feet) of land in said Unrestricted Reserve "C", and
23 containing a total aggregate area of 104.196 acres (4,538,793
24 square feet) of land.

25 SECTION 5. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

26 (a) The District is created to serve a public use and benefit. All
27 the land and other property included in the District will be

1 benefited by the improvements and services to be provided by the
2 District under powers conferred by Sections 52 and 52-a, Article
3 III, and Section 59, Article XVI, Texas Constitution, and other
4 powers granted under this Act.

5 (b) The District will:

6 (1) promote the health, safety, and general welfare of
7 residents in the District and the general public;

8 (2) provide needed funding to preserve, maintain, and
9 enhance the economic health and vitality of the area of the District
10 as a residential neighborhood and a commercially viable area; and

11 (3) further promote the health, safety, welfare, and
12 enjoyment of the public by providing pedestrian ways and by
13 landscaping and developing certain areas in the District, which are
14 necessary for the restoration, preservation, and enhancement of
15 scenic beauty.

16 (c) The area within the boundaries of Harris County
17 Improvement District No.8 is in an area which will develop into one
18 of the state's most dynamic activity centers and will be the
19 location of numerous commercial, office, retail and residential
20 buildings;

21 (d) The area within the district is presently served with an
22 inadequate public transportation system and has an inadequate
23 system of streets and public parking facilities;

24 (e) Residents, workers, visitors, customers and other
25 persons accessing the area within the district must primarily use
26 motor vehicles and such use will place an undue burden on the street
27 system in the district and result in severe congestion that retards

1 mobility of persons and property and impairs the use of the district
2 area as one of the state's primary economic and business centers;

3 (d) The absence of an adequate system of parking facilities,
4 including park and ride facilities, discourages the use of public
5 transportation and further aggravates vehicular congestion within
6 the area;

7 (e) Motor vehicles are generally powered by internal
8 combustion engines that emit pollutants into the air which results
9 in dangers to the public health and welfare;

10 (f) The proliferation of the use of motor vehicles for
11 passenger transportation within the district will be caused in
12 substantial part by the absence of an adequate public
13 transportation system and an adequate system or network of public
14 parking facilities;

15 (g) Provision of an adequate system of public parking
16 facilities and public transit and transportation facilities will
17 accomplish the public purposes of Article III, Section 52a of the
18 Constitution by stimulating transportation and commerce within the
19 area of the district and in the state and will serve the further
20 public purpose of reducing the pollutants discharged into the air
21 thus reducing the threat to the public health and welfare and
22 preserving and conserving the natural resources of the State as
23 mandated by Section 59 of Article XVI of the Constitution;

24 (h) In order for the area within the district to have an
25 adequate public transit system and an adequate system of public
26 parking it will be necessary for the district to be able to take
27 advantage of all public and private funds and opportunities

1 available and be empowered to contract with other public agencies
2 and with private entities to jointly provide such facilities.

3 (i) Pedestrian ways along or across a street, whether at
4 grade or above or below the surface, and street lighting, street
5 landscaping, and street art objects are parts of and necessary
6 components of a street and are considered to be a street or road
7 improvement.

8 (j) Any rules relating to or affecting use of the public
9 right-of-way or requirements for off-street parking shall be
10 subject to all applicable municipal charter, code and ordinance
11 requirements OF THE City of Houston.

12 (k) The legislature finds that he District will not act as
13 the agent or instrumentality of any private interest even though
14 many private interests, as well as the general public, will be
15 benefited by the District.

16 SECTION 6. APPLICATION OF OTHER LAW. (a) Except as
17 otherwise provided by this Act, Chapter 375, Local Government Code,
18 applies to the District and the district shall have all of the
19 rights and powers of a District created pursuant to Chapter 375
20 Local Government Code.

21 (b) Chapter 311, Government Code, applies to this Act.

22 SECTION 7. CONSTRUCTION OF ACT. This Act shall be liberally
23 construed in conformity with the findings and purposes stated in
24 this Act.

25 SECTION 8. BOARD OF DIRECTORS IN GENERAL. (a) Except as
26 provided by Subsection (c), the District is governed by a board of
27 seven voting directors appointed under Section 10 and four

1 nonvoting directors as provided by Section 11.A majority of the
2 voting directors of the district may authorize any action of the
3 district.

4 (b) Voting directors serve staggered terms of four years,
5 with four directors' terms expiring June 1 of an odd-numbered year
6 and three directors' terms expiring June 1 of the following
7 odd-numbered year.

8 (c) The board may increase or decrease the number of
9 directors on the board by resolution provided that it is in the best
10 interest of the District to do so and that the board consists of not
11 fewer than five and not more than 9 directors.

12 (d) Voting Directors are entitled to receive fees of office
13 at the rate and in the manner authorized in Section 49.060 Water
14 Code for a director of a Municipal Utility District. Directors
15 shall also be reimbursed for actual expenses as provided in Section
16 49.060 Water Code.

17 SECTION 9. APPOINTMENT OF DIRECTORS. The mayor and members
18 of the governing body of the City of Houston shall appoint voting
19 directors from persons recommended by the board, the State Senator
20 and the State Representative whose district overlap the district.
21 The governing body of the district shall make recommendations to
22 the Mayor and City Council for appointments to positions One
23 through five. The Stat Senator shall make a recommendation for a
24 director for place six and the State Representative whose district
25 overlaps the district shall make a recommendation for place seven.
26 A person is appointed if a majority of the governing body of the
27 City and the mayor vote to appoint that person.

1 SECTION 10. NONVOTING DIRECTORS. (a) The following
2 persons shall serve as nonvoting directors:

3 (1) the directors of the following departments of the
4 City of Houston or their designees serve as non-voting members of
5 the board of directors:

6 (A) parks and recreation;

7 (B) planning and development; and

8 (C) public works;

9 (D) the City of Houston's chief of police.

10 (b) If an agency, department, or division described by
11 Subsection (a) is consolidated, renamed, or changed; the board may
12 appoint a director of the consolidated, renamed, or changed agency,
13 department, or division as a nonvoting director. If an agency,
14 department, or division described by Subsection (a) is abolished,
15 the board may appoint a representative of another agency,
16 department, or division that performs duties comparable to those
17 performed by the abolished entity.

18 (c) A majority of the members of the board who have been
19 appointed and have qualified to serve constitute a quorum of the
20 board. Vacancies in a position on the board and nonvoting directors
21 are not counted for the purposes of establishing a quorum of the
22 board.

23 SECTION 11. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

24 (a) Except as provided by this section:

25 (1) a director may participate in all board votes and
26 decisions; and

27 (2) Chapter 171, Local Government Code, governs

1 conflicts of interest for directors.

2 (b) Section 171.004, Local Government Code, does not apply
3 to the District. A director who has a substantial interest in a
4 business or charitable entity that will receive a pecuniary benefit
5 from a board action shall file a one-time affidavit declaring the
6 interest. An additional affidavit is not required if the
7 director's interest changes. After the affidavit is filed with the
8 board secretary, the director may participate in a discussion or
9 vote on that action if:

10 (1) a majority of the directors have a similar
11 interest in the same entity; or

12 (2) all other similar business or charitable entities
13 in the District will receive a similar pecuniary benefit.

14 (c) A director who is also an officer or employee of a public
15 entity may not participate in the discussion of or vote on a matter
16 regarding a contract with that public entity.

17 (d) For purposes of this section, a director has a
18 substantial interest in a charitable entity in the same manner that
19 a person would have a substantial interest in a business entity
20 under Section 171.002, Local Government Code.

21 SECTION 12. ADDITIONAL POWERS OF DISTRICT. The District
22 may exercise the powers given to:

23 (1) a corporation under Section 4B, Development
24 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil
25 Statutes), including the power to own, operate, acquire, construct,
26 lease, improve, and maintain projects described by that section;
27 and

1 (2) a housing finance corporation under Chapter 394,
2 Local Government Code, to provide housing or residential
3 development projects in the District.

4 (3) The District shall not have the power of eminent
5 domain.

6 (4) The district shall have the power to acquire,
7 lease as lessor or lessee, construct, develop, own, operate and
8 maintain a public transit system to serve the area within the
9 boundaries of the district.

10 (5) The district shall have the power to acquire,
11 lease as lessor or lessee, construct, develop, own, operate and
12 maintain parking facilities or a system of parking facilities.
13 Parking facilities include lots, garages, parking terminals or
14 other structures or accommodation for the parking of motor vehicles
15 off the streets and includes equipment, entrances, exits, fencing
16 and other accessories necessary for the safety and convenience in
17 the parking of vehicles. The district's parking facilities will
18 serve the public purposes expressed in Section One of this Act and
19 be owned, used and held for public purposes even if leased or
20 operated by a private entity for a term of years and the district's
21 public parking facilities and any lease to a private entity will be
22 exempt from the payment of ad valorem taxes and state and local
23 sales and use taxes.

24 (6) The district may acquire air rights and may
25 construct improvements on property on which it only owns air rights
26 or on which it only has a leasehold interest and may own undivided
27 interests in buildings and other improvements.

1 (7) The district has all of the rights and powers of a
2 road district created pursuant to Chapter 257 Transportation Code
3 and a road utility district created pursuant to Chapter 441
4 Transportation Code. The district does not need the approval of the
5 Texas Department of Transportation or the Texas Highway Commission
6 to construct a road or street if the director of Public Works of the
7 City of Houston Texas has approved the road or street.

8 (6) The district may use any of its resources,
9 including revenues, assessments, taxes, or grant or contract
10 proceeds to pay the cost of acquiring and operating a public transit
11 system or a system of public parking facilities. The district may
12 adopt rules and regulations covering its public transit system and
13 its public parking system. The district may set and determine and
14 the district may charge impose, levy and collect fees, charges and
15 tolls for the use of the public transit system or the public parking
16 facilities and may issue bonds or notes to finance the cost of these
17 facilities. If the district pays for or finances the cost of
18 acquiring and operating a public transit system or a system of
19 public parking facilities with resources other than assessments,
20 then no petition of property owners or public hearing thereon is
21 required, just as no petition of property owners and public hearing
22 thereon is required for the provision of all other district
23 services and improvements not paid for or financed with
24 assessments.

25 (7) The district is authorized to make contracts,
26 leases, and agreements with, and accept grants and loans from, the
27 United States of America, the State, municipalities, other

1 political subdivisions and private persons or entities to carry out
2 the purposes of this Act upon such terms and conditions and for such
3 period of time as the governing body of the district may determine.

4 SECTION 13. The implementation of a project is a
5 governmental function or service for the purposes of Chapter 791,
6 Government Code.

7 SECTION 14. LAW ENFORCEMENT SERVICES. To protect the
8 public interest, the District may contract with Harris County or
9 the City of Houston to provide law enforcement services in the
10 District for a fee.

11 SECTION 15. NONPROFIT CORPORATION. (a) The board by
12 resolution may authorize the creation of a nonprofit corporation to
13 assist and act on behalf of the District in implementing a project
14 or providing a service authorized by this Act.

15 (b) The board shall appoint the board of directors of a
16 nonprofit corporation created under this section. The board of
17 directors of the nonprofit corporation shall serve in the same
18 manner as the board of directors of a local government corporation
19 created under Chapter 431, Transportation Code.

20 (c) A nonprofit corporation created under this section has
21 the powers of and is considered for purposes of this Act to be a
22 local government corporation created under Chapter 431,
23 Transportation Code.

24 (d) A nonprofit corporation created under this section may
25 implement any project and provide any service authorized by this
26 Act.

27 SECTION 16. REQUIREMENTS FOR FINANCING SERVICES AND

1 IMPROVEMENTS. The board may not finance a service or improvement
2 project with assessments under this Act or call a bond election
3 unless a written petition requesting that improvement or service or
4 the election has been filed with the board. The petition must be
5 signed by the lesser of:

6 (1) the owners of a majority of the assessed value of
7 real property in the District subject to assessment as determined
8 by the most recent certified tax appraisal roll for Harris County,
9 or

10 (2) 25 property owners subject to assessment, if there
11 are more than 25 in the District,

12 (3) A majority in number, assessed value as shown on
13 the recent certified tax appraisal roll for the County or by a
14 majority of the owners of the surface area of the area proposed to
15 be assessed as the ownership is shown on the tax appraisal rolls of
16 Harris County.

17 SECTION 17. ELECTIONS. (a) The District shall hold an
18 election in the manner provided by Subchapter L, Chapter 375, Local
19 Government Code, to obtain voter approval before the District
20 imposes an ad valorem maintenance tax or issues bonds payable from
21 ad valorem taxes.

22 (b) The board may include more than one purpose in a single
23 proposition at an election.

24 (c) Section 375.243, Local Government Code, does not apply
25 to the District.

26 SECTION 18. MAINTENANCE TAX. (a) If authorized at an
27 election held in accordance with Section 18, the District may

1 impose an annual ad valorem tax on taxable property in the District
2 for the administration, maintenance and operation of the District
3 and the improvements constructed or acquired by the District or for
4 the provision of services. All property in the District except
5 property exempt under the Constitution and Tax Code shall be liable
6 for the payment of ad valorem taxes levied by the District.

7 (b) The board shall determine the tax rate.

8 SECTION 19. ASSESSMENTS. (a) The board by resolution may
9 impose and collect an assessment for any purpose authorized by this
10 Act.

11 (b) Assessments, including assessments resulting from an
12 addition to or correction of the assessment roll by the District,
13 reassessments, penalties and interest on an assessment or
14 reassessment, expenses of collection, and reasonable attorney's
15 fees incurred by the District:

16 (1) are a first and prior lien against the property
17 assessed;

18 (2) are superior to any other lien or claim other than
19 a lien or claim for county, school District, or municipal ad valorem
20 taxes; and

21 (3) are the personal liability of and charge against
22 the owners of the property even if the owners are not named in the
23 assessment proceedings.

24 (c) The lien is effective from the date of the resolution of
25 the board imposing the assessment until the date the assessment is
26 paid. The board may enforce the lien in the same manner that the
27 board may enforce an ad valorem tax lien against real property.

1 (d) Without necessity of notice and hearing in the manner
2 required for additional assessments, the board may make corrections
3 to or deletions from the assessment roll provided that such
4 corrections or deletions do not increase the amount of assessment
5 of any parcel of land.

6 SECTION 20. UTILITIES. The District may not impose an
7 impact fee or assessment on the property, equipment, rights of way,
8 facilities, or improvements of an electric utility or a power
9 generation company as defined by Section 31.002, Utilities Code, a
10 gas utility as defined by Section 101.003 or 121.001, Utilities
11 Code, a telecommunications provider as defined by Section 51.002,
12 Utilities Code, or of a person that provides to the public cable
13 television or advanced telecommunications services. If the
14 District, in the exercise of the powers conferred on it by this Act,
15 requires or requests the relocation, rerouting, or removal of
16 electric, gas, water, sewer, communications, or other public
17 utilities, as defined by Sections 31.002, 101.003, 121.001, or
18 51.002, Utilities Code, the relocation, rerouting, or removal shall
19 be at the sole expense of the District.

20 SECTION 21. BONDS. (a) The District may issue bonds or
21 other obligations payable in whole or in part from ad valorem taxes,
22 assessments, impact fees, revenue, grants, or other money of the
23 District, or any combination of those sources of money, to pay for
24 any authorized purpose of the District. Bonds issued to finance
25 parks and recreational facilities may not exceed an amount equal to
26 one percent of the value of the taxable property in the district.
27 Bonds issued by the district for purposes other than parks and

1 recreational facilities do not have a debt limit. do not have a
2 debt limit

3 (b) In exercising the District's borrowing power, the
4 District may issue a bond or other obligation in the form of a bond,
5 note, certificate of participation or other instrument evidencing a
6 proportionate interest in payments to be made by the District, or
7 other type of obligation.

8 SECTION 22. MUNICIPAL APPROVAL. (a) Except as provided by
9 Subsection (b), the District must obtain approval from the
10 governing body of the City of Houston for:

11 (1) the issuance of bonds for an improvement project;
12 (2) the plans and specifications of an improvement
13 project financed by the bonds; and

14 (3) the plans and specifications of a District
15 improvement project related to:

16 (A) the use of land owned by the City of Houston;
17 (B) an easement granted by the City of Houston;

18 or

19 (C) a right-of-way of a street, road, or highway.

20 (b) If the District obtains approval from the governing body
21 of the City of Houston for a capital improvements budget for a
22 period not to exceed five years, the District may finance the
23 capital improvements and issue bonds specified in the budget
24 without further approval from the City of Houston.

25 SECTION 23. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT
26 OBLIGATIONS. Except as provided by Section 375.263, Local
27 Government Code, a municipality is not required to pay a bond, note,

1 or other obligation of the District.

2 SECTION 24. DISBURSEMENTS OR TRANSFERS OF MONEY. The board
3 by resolution shall establish the number of directors' signatures
4 and the procedure required for a disbursement or transfer of the
5 District's money.

6 SECTION 25. COMPETITIVE BIDDING LIMIT. Section 375.221,
7 Local Government Code, applies to the District only for a contract
8 that has a value greater than \$25,000.

9 SECTION 26. EXCEPTION FOR DISSOLUTION OF DISTRICT WITH
10 OUTSTANDING DEBT. (a) The board may vote to dissolve a District
11 that has debt. If the vote is in favor of dissolution, the District
12 shall remain in existence solely for the limited purpose of
13 discharging its debts. The dissolution is effective when all debts
14 have been discharged.

15 (b) Section 375.264, Local Government Code, does not apply
16 to the District.

17 SECTION 27. INITIAL DIRECTORS. (a) The initial board
18 consists of the following persons:

19	Pos. No. Name of Director
20	1 _____
21	2 _____
22	3 _____
23	4 _____
24	5 _____
25	6 _____
26	7 _____

27 (b) Of the initial directors, the terms of directors

1 appointed for positions 1 through 3 expire June 1, 2011, and the
2 terms of directors appointed for positions 7 through 11 expire June
3 1, 2009. The terms of directors appointed to fill a full term on the
4 board expire on June 1 of the year which is four years after the year
5 in which the director was appointed.

6 (c) Section 10 does not apply to this section.

7 (d) This section expires September 1, 2011.

8 SECTION 28. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
9 District may join and pay dues to an organization that enjoys
10 tax-exempt status under Sections 501(c)(3), (4), or (6), Internal
11 Revenue Code of 1986, as amended, and that performs services or
12 provides activities consistent with the furtherance of the purposes
13 of the District.

14 An expenditure of public money for membership in the organization
15 is considered to further the purposes of the District and to be for
16 a public purpose.

17 SECTION 29. USE OF ASSESSMENTS. The District may reimburse
18 the cost of creation of the District from assessments, taxes or
19 other revenues collected by the District.

20 SECTION 30. LEGISLATIVE FINDINGS. The legislature finds
21 that:

22 (1) proper and legal notice of the intention to
23 introduce this Act, setting forth the general substance of this
24 Act, has been published as provided by law, and the notice and a
25 copy of this Act have been furnished to all persons, agencies,
26 officials, or entities to which they are required to be furnished by
27 the constitution and laws of this state, including the governor,

1 who has submitted the notice and Act to the Texas Commission on
2 Environmental Quality;

3 (2) the Texas Commission on Environmental Quality has
4 filed its recommendations relating to this Act with the governor,
5 lieutenant governor, and speaker of the house of representatives
6 within the required time;

7 (3) the general law relating to consent by political
8 subdivisions to the creation of Districts with conservation,
9 reclamation, and road powers and the inclusion of land in those
10 Districts has been complied with; and

11 (4) all requirements of the constitution and laws of
12 this state and the rules and procedures of the legislature with
13 respect to the notice, introduction, and passage of this Act have
14 been fulfilled and accomplished.

15 SECTION 31. A Rapid Transit Authority organized and
16 operating under Chapter 451 Transportation Code may contract with
17 the District to jointly construct, own, operate and maintain
18 transit facilities and parking facilities under such terms and
19 conditions as the Rapid Transit Authority and the District deem
20 desirable. An agreement may provide that the District and the Rapid
21 Transit Authority exchange or trade land provided each party to any
22 agreement receives the equivalent of fair market value. The Rapid
23 Transit Authority need not offer any property that it proposes to
24 trade to the District for sale to the public or for sale to any
25 abutting property owner.

26 SECTION 32. EFFECTIVE DATE. This Act takes effect
27 immediately if it receives a vote of two-thirds of all the members

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1 elected to each house, as provided by Section 39, Article III, Texas
2 Constitution. If this Act does not receive the vote necessary for
3 immediate effect, this Act takes effect September 1, 2007.